

Meeting Notice

Date Notice Posted: July 17, 2009

City of East Providence

City Council Meeting

Date of Meeting: Tuesday, July 21, 2009

Time of Meeting: 7:30 P.M.

Location of Meeting:

City Hall, Council Chambers

145 Taunton Avenue

East Providence, RI 02914

CITY OF EAST PROVIDENCE

RHODE ISLAND

DOCKET OF REGULAR COUNCIL MEETING

July 21, 2009

7:00pm Executive Session

7:30pm Open Session

I. EXECUTIVE SESSION

The City Council of the City of East Providence will meet in Executive Session to discuss Claims and Litigation pursuant to RI General Laws § 42-46-5 (a) (2)

A. Claims Committee

See concurrently posted Claims Committee Meeting Agenda

II. CALL TO ORDER

III. INVOCATION

IV. SALUTE TO THE FLAG

V. TO APPROVE THE CONSENT CALENDAR

All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.

Motion_____By_____2nd_____

Coogan____Cusack____DiTraglia____Perry____Larisa_____

A. Approval of Council Journals

1. Executive Session Meeting June 8, 2009

2. Regular Council Meeting June 16, 2009

B. Letters

1. Coastal Resources Management Council July 2009 Calendar

2. Notice of New Property Number 1 Clarke Avenue.

C. Cancellation/Abatement

Year Amount

2008 \$1,064.75

2009 \$28,995.76

Total \$30,060.51

D. Alcoholic Beverage License - Class F – July 26, 2009

**Brian B-Lo Lundstrom Memorial Fund, Holy Ghost Brotherhood of
Charity, 59 Brightridge Avenue (02914)**

E. Alcoholic Beverage License – Class F-1 –July 18, 2009

Fundraiser, St. Francis Xavier, 81 North Carpenter Street (02914)

VI. APPOINTMENTS

A.Personnel Hearing Board

Patrick Caine, 4 Drowne Parkway (02916)

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

VII. LICENSES NOT REQUIRING PUBLIC HEARING

A.Vict/Not Over 25

Maximum Nutrition, 613 Waterman Avenue (02914)

**Dawn Picotte, 22 Glenwood Avenue, Pawtucket, RI
02860**

VIII. PUBLIC HEARING

A.Zoning Map Amendment

Rezoning Request for 15 Cross Street (02914)

Advertised Providence Journal – July 1, 8 & 15 2009

Notices Sent by Certified Mail – 6/15/09

**Rezoning – recommendation for requested zoning map amendment
requested rezoning from R-6 to C-5 and portion of lots 27 & 28 from
C5 to R6**

Petitioner: Armstrong Properties, LLC (Munroe Dairy)

Change to: C-5 and portion of lots 27 & 28 from C5 to R6

Lot: Map 106 Block 2 Parcel 27 and Map 106 Block 2 Parcel 28

Location: 15 Cross Street

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER

**AN ORDINANCE IN AMENDMENT OF CHAPTER 19 OF THE REVISED
ORDINANCES OF THE CITY OF EAST PROVIDENCE, RHODE ISLAND
1998, AS AMENDED, ENTITLED “ZONING.”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

**SECTION I. Section 19-95 entitled “Districts Designated” of Article III.
entitled “District Regulations” is hereby amended as follows:**

**A portion of Parcels 27 and 28 on Assessors Map 106, Block 2
presently located in a Commercial 5 District are hereby changed to be
included in a Residential 6 District.**

The Zoning Map of the City of East Providence shall be amended accordingly.

SECTION II. This ordinance shall take effect upon passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Planning Department

Motion_____By____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

B.Highway Abandonment-North Brow Street

Petition for Highway Abandonment on North Brow Street from Cross Street southerly to land of Armstrong Properties, LLC (Munroe Dairy)

Petitioners: Armstrong Properties, LLC (Munroe Dairy)

Attorney: Martin Sleprow 1481 Wampanoag Trail (02915)

Advertised East Providence Post –July 3, 10 & 17 2009

Notices sent to Utility Company 6/26/09

Notices served on Abutters 6/26/09

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

RESOLUTION NO.

ABANDONMENT OF NORTH BROW STREET

WHEREAS, the City Council of the City of East Providence deemed it necessary to abandon North Brow Street from Cross Street southerly to land of Armstrong Properties, LLC (Munroe Dairy) as shown on a

recorded plat of land entitled “Proposed Abandonment of a Portion of South Brow Street by Geisser Engineering Corp.” and on Tax Assessor’s Map 105 and 106 dated December 31, 2008 situated in East Providence, County of Providence, State of Rhode Island.

WHEREAS, said petition, having been duly advertised and all interested parties duly notified in accordance with law, and after public hearing held on July 21, 2009:

It is hereby ORDERED, ADJUDGED, and DECREED that North Brow Street from Cross Street southerly to land of Armstrong Properties, LLC (Munroe Dairy) as shown on a recorded plat of land entitled “Proposed Abandonment of a Portion of South Brow Street by Geisser Engineering Corp.” and on Tax Assessor’s Map 105 and 106 dated December 31, 2008 situated in East Providence, County of Providence, State of Rhode Island, described as follows:

Beginning at a granite bound at the intersection of the southerly line of Cross Street and the easterly line of North Brow Street, thence proceeding southerly in the easterly line of North Brow Street a distance of two hundred twenty-eight and 30/100 (228.30) feet to a granite bound at land now or formerly of Armstrong Properties, LLC, thence turning an interior angle of 90°48'00" and proceeding westerly, bounded southerly by land of said Armstrong, a distance of fifty and 00/100 (50.00) feet to granite bound,

thence turning an interior angle of 89°12'00" and proceeding northerly in the westerly line of North Brow Street, bounded westerly in part by land now or formerly of Cement Holdings and in part by land of said Armstrong, a distance of two hundred twenty-nine and

00/100 (229.00) feet to a granite bound,
then e turning and interior angle of 90°00'00" and proceeding easterly
a distance of fifty and 00/100 (50.00) feet to the granite bound at the
point and place of beginning, there forming an interior angle of
90°00'00" with the first described course.

Said parcel of land contains 11,432 square feet of land be the same
more or less. Said parcel contains a dedicated 10' fire lane, a 10' wide
electric easement and a 20' wide sewer easement, all of which lie
along the entire length of the parcel in a north to south direction.

Said abandoned road parcel containing 11,432 square feet of land and
is shown on a plan entitled, "Proposed Abandonment of a Portion of
South Brow Street by Geisser Engineering Corp." and on Tax
Assessor's Map 105 and 106 dated December 31, 2008 be and is
hereby abandoned as a public highway by reason of the fact that
North Brow Street from Cross Street southerly to land of Armstrong
Properties, LLC (Munroe Dairy) as shown on a recorded plat of land
entitled "Proposed Abandonment of a Portion of South Brow Street
by Geisser Engineering Corp." and on Tax Assessor's Map 105 and
106 dated December 31, 2008 situated in East Providence, County of
Providence, State of Rhode Island as hereinabove described has
ceased to become useful to the public.

It is further ORDERED, ADJUDGED, and DECREED that after due
appraisal, it is determined that there is no damage sustained by the
abutting property owners by reason of said abandonment, and,
therefore, no award of damages shall be made; and

It is further ORDERED, ADJUDGED, and DECREED that the Director

of Public Works be directed to cause signs to be placed at each end of said abandoned highway as hereinabove described, having thereon the words “Not a Public Highway”; and

It is further ORDERED, ADJUDGED, and DECREED that after entry of this decree the City Clerk shall cause notice thereof to be posted in a newspaper published in Providence County, and that further and personal notice be served by the City Sergeant upon every owner of land abutting upon said North Brow Street as hereinabove described who is known to reside within this state.

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

IX. NEW BUSINESS

A.City Managers Report

1.Weaver Library Renovations

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

2.Property purchase for 28 and 78 Anthony Street

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

3.Disposition of surplus state land, plat 1439 area B, parcels 611 & 612 Pawtucket Avenue (02914)

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

4.Solid Waste and Recycling Bid Award

Motion_____By_____2nd_____

Coogan____Cusack____DiTraglia____Perry____Larisa____

B.Reports of Other City Officials

1.Michael Bartlett, Tree Warden, presentation on an invasive species, Asian Longhorned Beetle.

2.Steve Coutu, Director of Public Works, approval of handicap parking sign, 33 Belmont Street (02914).

Motion_____By_____2nd_____

Coogan____Cusack____DiTraglia____Perry____Larisa____

F. Council Members

1. Fighting the good fight. Economic Justice for EP Taxpayers and Union Demands. by Mayor Larisa

2. New Date for August Meeting by Mayor Larisa

G. Resolutions

Resolution in Strong Opposition to S0713 and H5762 and Request for Legislative Support

H. Introduction of Ordinances

1. STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS CITY OF EAST PROVIDENCE

**AN ORDINANCE IN AMENDMENT OF CHAPTER 6 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“GARBAGE AND REFUSE.”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

SECTION I. Subsection (4) entitled “Miscellaneous items” of Section 6-39 entitled “Recyclable materials established” of Article IV entitled “Recyclables” of Chapter 6 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Garbage and Refuse” is amended by adding thereto the following:

c. Mattresses, box springs and other bedding materials. All residential bedding materials such as mattresses, box springs or other items with similar characteristics as determined by the director of public works shall be collected by the municipal refuse collection contractor as scheduled by the public works department and separated to be recycled at the Rhode Island Resource Recovery Corporation facility.

SECTION II. Article IV entitled “Recyclables” of Chapter 6 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Garbage and Refuse” is amended by

adding thereto the following:

Sec. 6-47. Mattress, box spring, bedding material collection fee.

The fee for collection of a mattress, box spring or other bedding material, as defined in section 6-39, is hereby fixed at \$15.00 dollars for each item.

SECTION III. This ordinance shall take effect upon its second passage and all ordinances or parts or ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Public Works

Motion_____By____2nd_____

Coogan____Cusack____DiTraglia____Perry____Larisa_____

**2.STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF EAST PROVIDENCE**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 5 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
“FIRE PREVENTION”**

**THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

SECTION I. Sec. 5-31 entitled “Inspection of nonresidential structures and dwelling generally” of Article II entitled “Inspections, Compliance and Violations of Fire Safety Code” of Chapter 5 of the Revised Ordinances of the City of East Providence, Rhode Island, 1998, as amended, entitled “Fire Prevention” is amended as follows:

Sec. 5-31. Inspection of nonresidential structures and dwelling generally.

(a) The chief of the department or his designate is hereby authorized and directed to make inspections to determine the condition of any nonresidential structure or dwelling place of four or more units in order that he may perform the duty of safeguarding the health, safety and welfare of the occupants of nonresidential structures or dwelling places of four or more units, and of the general public. For the purpose of making such inspections the chief of the department or his designate is hereby authorized to examine and survey between the hours of 8:00 a.m. and 5:00 p.m. any nonresidential structure or dwelling place of four or more units. The chief of the department or his designate and the owner, occupant, or other person in charge of any nonresidential structure or dwelling place of four or more units may agree to an inspection by appointment at a time other than the hours provided in this section.

(b) The fire department shall assess an inspection fee of one hundred (\$100.00) dollars per inspection for any inspection performed by the fire department's fire alarm inspector pursuant to Chapter 5 of the revised ordinances of the City of East Providence or any provision of the Rhode Island Fire Safety Code including any rule or regulation of the state fire marshal pertaining to the inspection for final approval of any approved fire alarm system or fire suppression system. In the case of any commercial, industrial, manufacturing, educational, religious or governmental use, the fee shall be payable by the licensee of the property inspected if the occupant of the

property inspected holds any license issued by the State of Rhode Island and Providence Plantations Department of Labor and Training. Otherwise, the fee shall be payable by the lessee of the property inspected or, if none, then by the owner of the property. In the case of any residential property, the fee shall be payable by the owner of the property.

The fee shall be waived if, after the final acceptance inspection, no violation of any provision of the revised ordinances of the City of East Providence or the Rhode Island Fire Safety Code including any rule or regulation of the state fire marshal has been found. Each subsequent re-inspection shall constitute an inspection for which a separate fee of one hundred (\$100.00) dollars shall be payable. The foregoing fee waiver provision shall not apply in the case of any inspection required for the board of licenses for the issuance or transfer of any license under its jurisdiction. No inspection fee shall be assessed against the City or any department, board, or commission thereof.

SECTION II. This ordinance shall take effect upon its second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Fire Chief

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___

**3. STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF EAST PROVIDENCE**

**AN ORDINANCE IN AMENDMENT OF CHAPTER 17 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED “UTILITIES.”
THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY
ORDAINS:**

**SECTION I. Subsection (c) of Sec. 17-183 entitled “Charges to be
based upon water consumption; rate” of Chapter 17 of the ordinances
of the City of East Providence, Rhode Island, 1998, as amended,
entitled “Utilities” is amended to read as follows:**

**(c) Effective November 1, 2009, the water consumption portion of the
sewer charge shall be at a rate of \$4.00 4.46 per hundred cubic feet of
water used based upon the actual quarterly or monthly meter reading
of water consumption less an annual exemption of 3,500 cubic feet.
Such exemption shall be prorated quarterly or monthly for users of
city water who are billed on a quarterly or monthly basis.**

**Effective November 1, 2010, the rate per hundred cubic feet of water
will increase to \$4.90.**

**Effective November 1, 2011, the rate per hundred cubic feet of water
will increase to \$4.96.**

**SECTION II. This ordinance shall take effect upon its second passage
and all ordinances and parts of ordinances inconsistent herewith are
hereby repealed.**

Requested by: Director of Finance

**4. STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF EAST PROVIDENCE, RHODE ISLAND**

ORDINANCE OF THE CITY OF EAST PROVIDENCE APPROVING THE FINANCING OF IMPROVEMENTS TO THE EAST PROVIDENCE WATER SYSTEM AND ALL ATTENDANT EXPENSES INCLUDING BUT NOT LIMITED TO ENGINEERING COSTS AND APPROVING THE ISSUANCE OF WATER REVENUE BONDS AND NOTES THEREFOR IN AN AMOUNT NOT TO EXCEED \$6,000,000

WHEREAS, in the interest of public health and safety, the City of East Providence (the “City”) desires to make certain improvements to the City’s water system, which improvement together with all attendant expenses including but not limited to engineering costs in connection therewith are hereinafter referred to as, the “Project”;

WHEREAS, the Rhode Island Clean Water Finance Agency (the “Agency”) is offering a program (the “ARRA Program”) through which funds it will receive through the Federal Economic Stimulus Act, Public Law 111-5, known as the “American Recovery and Reinvestment Act of 2009” will be loaned to eligible borrowers for the purpose of financing high priority infrastructure projects needed to ensure clean water in the State of Rhode Island;

WHEREAS, a portion of the principal of all projects funded under the ARRA Program will be forgiven;

WHEREAS, the City desires to participate in the ARRA Program by borrowing an amount not to exceed Six Million Dollars (\$6,000,000) from the Agency in accordance with Title VI of the Federal Clean Water Act and Title 46-12.8 of the Rhode Island General Laws, for the purpose of financing the Project;

WHEREAS, the City desires to issue an amount not to exceed Six

Million Dollars (\$6,000,000) water system revenue bonds (the “Bonds”) or interest bearing or discounted water system revenue notes (the “Notes”) in anticipation of the issue of said Bonds of the City, at one time, or from time to time for the purpose of evidencing the borrowing described above;

WHEREAS, Chapter 46-12.8 of the Rhode Island General Laws, pursuant to which the Bonds or Notes will be issued, provides that notwithstanding any municipal charter to the contrary, all local governmental units shall have the power to issue local governmental obligations payable solely from drinking water system revenues pursuant thereto without limit as to amount, and the amount of principal and premium, if any, and interest on the obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes which may be levied or assessed by the local governmental unit in any year or on any assessment, levy, or other charge made by the local governmental unit on any other political subdivision or instrumentality of the State of Rhode Island;

WHEREAS, notwithstanding the foregoing provisions of Chapter 46-12.8 of the Rhode Island General Laws, the City desires to comply with the requirements set forth in Section 4.27 of the City Charter with respect to the issuance of bonds to the extent possible;

WHEREAS, the estimated maximum cost of the Project is \$6,000,000;

WHEREAS, the period of usefulness of the Project is expected to be thirty (30) years; and

WHEREAS, the net debt of the City is not affected by the issuance of the Bonds or Notes as the Bonds and Notes will not be general obligations of the City but will be payable solely from drinking water system revenues.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAST PROVIDENCE that:

SECTION 1. The sum of Six Million Dollars (\$6,000,000) is appropriated for the purpose of financing the Project.

SECTION 2. In accordance with Chapter 46-12.8 of the Rhode Island General Laws, the Mayor and the Director of Finance are hereby authorized to borrow an amount not exceeding Six Million Dollars (\$6,000,000) from the Agency, and to evidence such loan, such officers are hereby authorized to issue and refund on behalf of the City the Bonds, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund the Notes in anticipation of the issue of said Bonds.

SECTION 4. The Bonds and Notes shall be payable solely from drinking water system revenues. The City may issue bonds, notes, or other obligations on a parity with these Bonds as provided in the Trust Indenture (defined below). The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.

SECTION 5. Pending the issuance of the Bonds under Section 2

hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance, at the written direction of the City Council, may expend funds from funds of the City including the General Fund for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 6. The Mayor and the Director of Finance are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver a Supplemental Indenture (the "Supplemental Indenture") amending and supplementing the Trust Indenture dated April 1, 2004 by and between the City and U.S. Bank National Association (the "Trust Indenture"), and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, and (iv) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent hereof.

SECTION 7. The Mayor and the Director of Finance are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

SECTION 8. This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Six Million Dollars (\$6,000,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.

SECTION 9. The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or

Notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 10. This Ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

**4. STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
CITY OF EAST PROVIDENCE, RHODE ISLAND
ORDINANCE OF THE CITY OF EAST PROVIDENCE APPROVING
THE FINANCING OF THE CONSTRUCTION, EQUIPPING, EXTENSION,
REPLACEMENT, REPAIR AND REHABILITATION OF THE CITY'S
SEWER LINES, SEWAGE COLLECTION, AND SEWAGE TREATMENT
SYSTEM AND ALL PRELIMINARY AND INCIDENTAL EXPENSES AND
APPROVING THE ISSUANCE OF WASTEWATER SYSTEM REVENUE
BONDS AND NOTES THEREFOR**

IN AN AMOUNT NOT TO EXCEED \$10,000,000

WHEREAS, in the interest of public health and safety, the City of East Providence (the “City”) desires to make certain improvements to the City’s sewer system, including the construction, equipping, extension, replacement, repair and rehabilitation of the sewer lines, sewage collection, and sewage treatment system and all preliminary and incidental expenses in connection therewith (the “Project”);

WHEREAS, the Rhode Island Clean Water Finance Agency (the “Agency”) is offering a program (the “ARRA Program”) through which funds it will receive through the Federal Economic Stimulus Act, Public Law 111-5, known as the “American Recovery and Reinvestment Act of 2009” will be loaned to eligible borrowers for the purpose of financing high priority infrastructure projects needed to ensure clean water in the State of Rhode Island;

WHEREAS, a portion of the principal of all projects funded under the ARRA Program will be forgiven;

WHEREAS, the City desires to participate in the ARRA Program by borrowing an amount not to exceed Ten Million Dollars (\$10,000,000) from the Agency in accordance with Title VI of the Federal Clean Water Act and Title 46-12.2 of the Rhode Island General Laws, for the purpose of financing the Project;

WHEREAS, the City desires to issue an amount not to exceed Ten Million Dollars (\$10,000,000) wastewater system revenue bonds (the “Bonds”) or interest bearing or discounted wastewater system revenue notes (the “Notes”) in anticipation of the issue of said Bonds of the City, at one time, or from time to time for the purpose of

evidencing the borrowing described above;

WHEREAS, Chapter 46-12.2 of the Rhode Island General Laws, pursuant to which the Bonds or Notes will be issued, provides that notwithstanding any municipal charter to the contrary, all local governmental units shall have the power to issue local governmental obligations payable solely from wastewater system revenues pursuant thereto without limit as to amount, and the amount of principal and premium, if any, and interest on the obligations shall not be included in the computation of any limit on the indebtedness of the local governmental unit or on the total taxes which may be levied or assessed by the local governmental unit in any year or on any assessment, levy, or other charge made by the local governmental unit on any other political subdivision or instrumentality of the State of Rhode Island;

WHEREAS, notwithstanding the foregoing provisions of Chapter 46-12.2 of the Rhode Island General Laws, the City desires to comply with the requirements set forth in Section 4.27 of the City Charter with respect to the issuance of bonds to the extent possible;

WHEREAS, the estimated maximum cost of the Project is \$10,000,000;

WHEREAS, the period of usefulness of the Project is expected to be thirty (30) years; and

WHEREAS, the net debt of the City is not affected by the issuance of the Bonds or Notes as the Bonds and Notes will not be general obligations of the City but will be payable solely from wastewater

system revenues.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF EAST PROVIDENCE that:

SECTION 1. The sum of Ten Million Dollars (\$10,000,000) is appropriated for the purpose of financing the Project.

SECTION 2. In accordance with Chapter 46-12.2 of the Rhode Island General Laws, the Mayor and the Director of Finance are hereby authorized to borrow an amount not exceeding Ten Million Dollars (\$10,000,000) from the Agency, and to evidence such loan, such officers are hereby authorized to issue and refund on behalf of the City the Bonds, at one time, or from time to time in order to meet the foregoing appropriation.

SECTION 3. The said officers from time to time may issue and refund the Notes in anticipation of the issue of said Bonds.

SECTION 4. The Bonds and Notes shall be payable solely from wastewater system revenues. The City may issue bonds, notes, or other obligations on a parity with these Bonds as provided in the Trust Indenture (defined below). The manner of sale, amount, denominations, maturities, conversion or registration privileges, interest rates, medium of payment, and other terms, conditions and details of the Bonds or Notes may be fixed by the officers authorized to sign the Bonds or Notes.

SECTION 5. Pending the issuance of the Bonds under Section 2 hereof or pending or in lieu of the issue of Notes under Section 3 hereof, the Director of Finance, at the written direction of the City Council, may expend funds from funds of the City including the

General Fund for the purposes specified in Section 1 hereof. Any advances made under this section shall be repaid without interest from the proceeds of the Bonds or Notes issued hereunder or from the proceeds of applicable federal or state assistance or from other available funds.

SECTION 6. The Mayor and the Director of Finance are also authorized, empowered and directed, on behalf of the City, to: (i) execute, acknowledge and deliver a Trust Indenture by and between the City and a corporate trustee selected by said officers (the "Trust Indenture"), one or more Supplemental Indentures relating to the Bonds and any and all other loan agreements, documents, certificates or instruments necessary to effectuate such borrowing; (ii) amend, modify or supplement the Trust Indenture, such Supplemental Indentures, the Bonds or Notes and any and all other loan agreements, documents, certificates or instruments at any time and from time to time, in such manner and for such purposes as such officers shall deem necessary, desirable or advisable; (iii) direct the Trustee with regard to investments of trust funds pursuant to the Trust Indenture, (iv) enter into intermunicipal agreements or amend existing intermunicipal agreements with other municipalities utilizing the wastewater treatment facility and regional collection system with respect to sharing cost of the Project, and (v) do and perform all such other acts and things deemed by such officers to be necessary, desirable or advisable with respect to any matters contemplated by this Ordinance in order to effectuate said borrowing and the intent hereof.

SECTION 7. The Mayor and the Director of Finance are hereby authorized to deliver the Bonds or Notes to the purchaser and said officers are hereby authorized and instructed to take all actions, on behalf of the City, necessary to ensure that interest on the Bonds or Notes will be excludable from gross income for federal income tax purposes and to refrain from all actions which would cause interest on the Bonds or Notes to become subject to federal income taxes.

SECTION 8. This Ordinance is an affirmative action of the City Council of the City toward the issuance of the Bonds and Notes in accordance with the purposes of the laws of the State. This Ordinance constitutes the City's declaration of official intent, pursuant to Treasury Regulation §1.150-2, to reimburse the City for certain capital expenditures for the Project paid on or after the date which is sixty (60) days prior to the date of this Ordinance, but prior to the issuance of the Bonds or Notes. Such amounts to be reimbursed shall not exceed Ten Million Dollars (\$10,000,000) and shall be reimbursed not later than eighteen (18) months after the later of (a) the date on which the expenditure is paid or (b) the date on which the Project is placed in service or abandoned but in no event later than three (3) years after the date on which the expenditure is paid.

SECTION 9. The Mayor and the Director of Finance are authorized to take all actions necessary to comply with federal tax and securities laws including Rule 15c2-12 of the Securities and Exchange Commission (the "SEC Rule") and to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds or

Notes in the form as shall be deemed advisable by the Mayor and the Director of Finance in order to comply with the SEC Rule. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the Bonds or Notes, failure of the City to comply with the Continuing Disclosure Certificate shall not be considered an event of default; however, any Bondholder or Noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under the Continuing Disclosure Certificate.

SECTION 10. This Ordinance shall take effect upon its second passage and all ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Requested by: Director of Finance

I. Communications

1. Anthony Shepherd, 40 Rosemere Drive (02914) requesting to address the Council regarding the use of grant money to create Rhode Island jobs and allowing public participation.

2. Bruce Rogers, 500 Warren Avenue (02914) requesting to address the Council regarding Tranquility Place at Jones Pond which will

include a presentation of the overall plan for renovation by Wil Gates the Landscape Architect.

3. Dean Ventre and Roger Morrell, 16 Outlook Avenue (02914) requesting to address the Council regarding a Block Party to be held on August 22 from 4:00pm-11:00pm blocking off Outlook Avenue from Hawthorne to Brightridge.

J. Adjournment

Motion_____By_____2nd_____

Coogan___Cusack___DiTraglia___Perry___Larisa___